IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR.

Writ Petition No.4880 of 2007
[S.G. Kamble Vs. Z.P., Wardha]

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's orders

Mr. S.A. Gordey, Advocate for the petitioner.

CORAM : A.H. JOSHI AND
R.C.CHAVAN,JJ.

DATE : 22nd October,2007.

1. Heard.

2. The petitioner was employed as a Gram Sevak on contract basis with Zilla Parishad, Yavatmal. During the continuance of this employment, the petitioner applied for a similar job, without annexing with his application for such employment, a copy of letter of permission as required under Clause 9 of the advertisement. The petitioner's selection in pursuance of his employment in Zilla Parishad, Yavatmal, was, therefore, cancelled by the impugned order dated 31st August, 2007.

3. Learned Advocate for the petitioner

states that since the employment on contract basis is not an employment amenable to service rules of regular employees, the petitioner was not required to obtain a prior permission and the employer should have insisted on such permission only at the time of joining the employment. Rule 8 [1] of the Maharashtra Zilla Parishads [Contract Service] Rules, 1963, lays down that Rules as to conduct and discipline are applicable to such contract employees also. In any case, question is not about breach of rules of employment by petitioner. It is about breach of stipulation in Clause [9] of advertisement and here we do not find that petitioner had any reason to believe that he was required to produce necessary permission after selection.

4. The learned Advocate for petitioner also states that the petitioner has since resigned his earlier employment, now, he has even lost that employment.

5. The petitioner must blame himself for exposing himself to the peril of trying to sail in two boats and we see no way to help him. Petition is accordingly dismissed.

Judge **Judge**

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